

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MARK SCHAND, MIA SCHAND,)
MARK SCHAND JR., QUINTON SCHAND,)
and KIELE SCHAND,)
)
Plaintiffs,)
)
v.) C.A. No. 15-cv-30148-MAP
)
CITY OF SPRINGFIELD,)
ELMER MCMAHON, LEONARD SCAMMONS,)
RAYMOND P. MUISE, MICHAEL REID,)
and JOSEPH ASSAD,)
)
Defendants.)

ORDER RE: SUPPLEMENTAL BRIEFING
March 6, 2019

PONSOR, U.S.D.J.

On February 22, 2019, the First Circuit issued its opinion in Gray v. Thomas Cummings, No. 18-1303. The opinion addressed the issue of municipal liability in the context of a claim for failure to train police officers of the Town of Athol. In that case, the court found expert testimony, suggesting that Athol's training regimen was faulty, insufficient to support liability for failure to train. Plaintiff, the court said, had to present evidence that the

town "knew or had reason to believe" training was inadequate. The absence of evidence of past violations "sufficient to put the Town on notice of such effects" constituted a "yawning gap" in Plaintiff's evidence. Slip Op. at 24, citing Connick v. Thompson, 563 U.S. 51, 72 (2011) and Hill v. Walsh, 884 F.3d 16, 24 (1st Cir. 2018).

Counsel will submit supplemental memoranda regarding the impact of Gray, of no more than five pages in length, on or before March 13, 2019.

It is so ordered.

Michael A. Ponsor
U.S. District Judge